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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights

BELARUS

1. At its 34th to 36th meetings, held on 21 and 22 November 1996, the Committee considered the third periodic report of the Republic of Belarus on articles 1 to 15 of the Covenant (E/1994/104/Add.6) and adopted, at its 54th meeting held on 5 December 1996, the following concluding observations.

A. Introduction

2. The Committee is gratified that the State party punctually submitted its third periodic report, which complied with the guidelines regarding the form and contents of reports to be submitted by States parties. It appreciates also the additional information provided in response to the written list of questions, although the latter did not follow a sufficiently clear format. It welcomes the high-level delegation, with which it engaged in an open and constructive dialogue. With some exceptions, the members of the delegation provided satisfactory oral replies to most of the Committee's questions.

B. Positive aspects

3. The Committee welcomes efforts by the State party to improve and update its legislation and to bring it into line with the socio-economic sphere. In particular, it regards as positive developments the steps taken to update the Labour Code, the Act on collective agreements and work agreements, the Act on pension provision, the Act on employment and the Act on procedures for the settling of labour disputes, and the authorities' dialogue on these questions with experts from the International Labour Organization.

4. The Committee notes that the Government is taking steps to combat unemployment, inter alia by setting up and boosting the efficiency of a State employment service and a vocational training and retraining scheme, and by drawing up yearly government employment programmes to aid the unemployed in finding work and offer them material support.

5. The Committee notes the State party's efforts to cope with the aftermath of the accident at the Chernobyl nuclear power station, including the provision of medical assistance to those directly affected and welfare measures for those who were in the vicinity at the time of the accident.

6. The Committee also notes efforts by the Belarusian authorities to incorporate human rights issues into school curricula and teacher-training schedules, and the corresponding segments and specialized courses into vocational training, retraining and further education programmes for professionals of all categories. It also notes with satisfaction the establishment of a Human Rights Chair in the Academy of the Belarusian Ministry of Internal Affairs.

7. The Committee welcomes the statement by the head of the Belarusian delegation that his Government endorsed the idea of drafting an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

8. The Committee is gratified that the third periodic report of Belarus has been issued as a pamphlet and sent to libraries, the mass media and non-governmental organizations in the State party.

C. Factors and difficulties impeding the implementation of the Covenant

9. The Committee notes that Belarus is undergoing rapid changes in its development and is experiencing the sort of difficulties in socio-economic matters that are typical in many countries with economies in transition. The dissolution of the Soviet Union has adversely affected the Belarusian economy - especially its industry, large parts of which were closely linked to and dependent on the economies of other republics of the former USSR.

10. Escape from economic crisis is rendered more difficult by the fact that Belarus, with few natural and energy resources of its own, is heavily dependent on raw materials and energy from elsewhere. Rising energy costs have directly affected prices for basic necessities and food.

11. The clean-up after the accident at the Chernobyl nuclear power station is said to absorb up to 20 per cent of the annual budget. International

donors and investors have withheld their aid or investments pending the introduction of legal and economic reforms. Many of the country's present economic and social difficulties show the need to expedite economic reforms and to build up democratic institutions based on the principles of the rule of law.

D. Principal subjects of concern

12. The Committee observes that the establishment of a regime that concentrates power in the presidency at the expense of the independent role of the Parliament and the independence of the judiciary is not consistent with the political environment necessary for the exercise of human rights, including economic, social and cultural rights.

13. The Committee expresses its deep concern at the growing number of people in Belarus living at or below the poverty line, the sharp decline in purchasing power and the widening gulf between rich and poor with the very poorest segments of the population having extremely low incomes.

14. The Committee also expresses concern that crime, drug use and corruption are on the increase.

15. The Committee is concerned that some 600,000 children still live in the zone affected by the accident at the Chernobyl nuclear power station.

16. The Committee is concerned at the rise in unemployment, particularly in relation to its disproportionate impact on women. It is also concerned at the discrimination against women in appointment to jobs.

17. The Committee is disturbed at the legal status of trade unions in Belarus: the shortcomings of the legislation regulating their activities and the existence of certain legislative provisions which restrict freedom of association. It notes with concern that a number of formerly recognized major trade unions, all of which have been required to register anew under the new legislation, appear to have been prevented from applying for re-registration with the Ministry of Justice.

18. The Committee expresses its preoccupation at the fact that the report contains no information on treatment of persons infected with HIV/AIDS. The delegation's assurance that there exists sexual counselling for men as well as for pregnant women does not eliminate the Committee's concern that such services are inadequate.

19. Although the Committee notes the Government's assurance that it has created sufficient detoxification and rehabilitation centres for drug and alcohol addicts, it remains concerned that what is being done in this area does not appear to be sufficient to meet the needs that exist.

E. Suggestions and recommendations

20. The Committee is gratified that article 8 of the Belarusian Constitution acknowledges the primacy of principles of international law and requires national legislation to conform to those principles. The Committee, taking note of the acknowledgement by the delegation that Belarus legislation needs

to be reviewed to bring it into conformity with the Covenant, recommends that the necessary measures be taken as soon as possible and that the human rights legislation to be enacted in Belarus should closely match internationally acknowledged standards.

21. The Committee emphasizes that any economic reform adopted should be undertaken in a manner that is consistent with protection of the economic and social rights of the poorer segments of society.

22. The Committee draws the Government's attention to the need to update the legislation governing the freedom of activity of trade unions and the need for legislation on the right to strikes; such legislation should accord with the provisions of the Covenant and the International Labour Organization Conventions No. 87 (Freedom of Association and Protection of the Right to Organize Convention) and No. 98 (Right to Organize and Collective Bargaining Convention). The Committee urges that consideration be given to limiting the list of sectors in which workers do not have the right to strike to no more than those authorized by relevant international standards, such as the armed forces, the police, etc.

23. The Committee also calls upon the Government to adopt legislation and practical steps to combat discrimination against women in employment.

24. The Committee notes the need for the State party to respond to the challenge of HIV/AIDS with adequate new legislative and social measures. In this connection, it would be appropriate if the Government would coordinate with the relevant departments of the World Health Organization and UNAIDS. The Committee requests the Government to provide it, in its fourth periodic report, with relevant statistics and information on concrete measures undertaken in that respect since the consideration of the present report.

25. The Committee requests the State party, in its fourth periodic report, to supply it with information on the steps it is taking to raise the standards of living, reduce unemployment, and eliminate the restrictive legislation governing trade unions.

26. The Committee recommends that the Government should increase its efforts in relation to human right education so as to ensure that all categories of students, teachers, judges and the police and other law enforcement agents are covered.

27. The Committee calls upon the State party to consider the adoption of measures which would enable the courts to take account of and apply the rights recognized in the International Covenant on Economic, Social and Cultural Rights.

28. The Committee encourages the State party to disseminate widely the concluding observations adopted by the Committee following the consideration of the State party's third period report.